

Amendment and Response

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Serial No.: 09/877,220

Confirmation No.: 8535

Filed: June 8, 2001

For: METHODS FOR TREATING NEUROPATHOLOGICAL STATES AND NEUROGENIC
INFLAMMATORY STATES AND METHODS FOR IDENTIFYING COMPOUNDS USEFUL THEREIN

Remarks

The Office Action mailed May 26, 2005 has been received and reviewed. Claims 30, 31, 34, 35, 46, 47, 54, and 55 having been amended, the pending claims are claims 30, 31, 34, 35, 46, 47, 54, 55, and 68-87. Reconsideration and withdrawal of the rejections are respectfully requested.

The undersigned appreciates the withdrawal of finality of the previous Office Action, and the inclusion in the Office Action of claims that would be considered allowable. Claims 30-31, 34-35, 46-47, and 54-55 are amended herein to reflect the amendments presented by the Examiner at pages 8-11 of the Office Action with one exception; in the preamble of claim 47 the word "decreasing" has been changed to "increasing" to make the preamble consistent with the rest of the claim.

The 35 U.S.C. §112, First Paragraph, Rejection

The Examiner rejected claims 30 and 31 under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 30 and 31 were also rejected under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Applicants respectfully traverse this rejection. In the interest of furthering prosecution, claims 30 and 31 have been amended to recite "'tyrosine kinase inhibitor" and "tyrosine phosphatase inhibitor," respectively.

Reconsideration and withdrawal of the present rejections is respectfully requested.

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The 35 U.S.C. §112, Second Paragraph, Rejection

The Examiner rejected claims 30, 31, 34, 35, 46, 47, 54, 55, and 68-87 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. It is respectfully submitted that these rejections are rendered moot in view of the amendments presented herein.

Reconsideration and withdrawal of the present rejections is respectfully requested.

The 37 C.F.R. §1.75 rejection

The Examiner rejected claims 46 and 47 under 37 C.F.R. §1.75 as being of improper dependent form for failing to limit the subject matter of a previous claim. It is respectfully submitted that this rejection is rendered moot in view of the amendments presented herein.

Reconsideration and withdrawal of the present rejection is respectfully requested.

Objection

Claim 55 was objected to for "requiring that the tyrosine kinase inhibitor increases the amount of NR1 associated with the nucleus." Claim 55 has been amended to replace "kinase" with "phosphatase."

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INFLAMMATORY STATES AND METHODS FOR IDENTIFYING COMPOUNDS USEFUL THEREIN**Summary**

It is respectfully submitted that the pending claims are in condition for allowance and notification to that effect is respectfully requested. The Examiner is invited to contact Applicants' Representatives, at the below-listed telephone number, if it is believed that prosecution of this application may be assisted thereby.

Respectfully submitted for
High et al.

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Date

August 19, 2005

By:

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CERTIFICATE UNDER 37 CFR §1.8:

The undersigned hereby certifies that the Transmittal Letter and the paper(s), as described hereinabove, are being transmitted by facsimile in accordance with 37 CFR §1.6(d) to the Patent and Trademark Office, addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 19th day of August, 2005, at 1:51 PM (Central Time).

By:

Susan E. Wigan

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